

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.54650 of 2018 (O&M)

Date of Reserve: 06.03.2024
Date of Decision: 09.04.2024

PARMINDER JEET KAUR AND OTHERS

.....Petitioner(s)

Vs

GEETA RANI

....Respondent(s)

CORAM: *HON'BLE MR. JUSTICE HARKESH MANUJA*

Present: Mr. Chirag Kundu, Advocate
for the petitioners.

Mr. Narender Kaajla, Advocate
for the respondent.

HARKESH MANUJA, J.

[1]. By way of present petition filed under 482 of the Code of Criminal Procedure, 1973 (hereinafter referred to as “Cr.P.C”) petitioners prayed for quashing of CIS No.COMI 25/2015 Criminal Complaint No.12-I dated 14.01.2015 under Sections 500 and 120-B of Indian Penal Code, 1860 (hereinafter referred to as “IPC”), summoning Order dated 07.11.2017 as well as Order dated 02.11.2018 dismissing the Revision against the aforesaid summoning Order alongwith all consequential proceedings arising therefrom.

[2]. Brief facts of the case are that petitioner no. 1 got registered an FIR no. 117 dated 05.02.2013 under Sections 328, 366, 376, 420, 493, 496, 506 and 34 of IPC at Police Station Civil Lines, District Hisar against respondent, Geeta Rani, and others with the allegations of administering some intoxicant in food and solemnizing the marriage of petitioner no. 1 against her wishes with the brother of respondent, Rajbir on 29.04.2011 and clicking compromising photographs in order

to blackmail her. Thereafter on account of a compromise arrived at between the parties, petitioner No.1 resiled and as a consequence thereof, the respondent and others were acquitted in the said case. Thereafter, respondent in order to settle scores with the petitioners lodged criminal Complaint no. 12-I dated 14.01.2015 under Sections 500 and 120-B of IPC before Judicial Magistrate First Class, Hisar (hereinafter referred to as “JMJC”) wherein the petitioners were summoned to face trial vide Order dated 07.11.2017. Aggrieved against the said order, the petitioners preferred Criminal Revision which was dismissed by learned Additional Sessions Judge, Hisar (hereinafter referred to as “Revisional Court”) vide Order dated 02.11.2018.

[3]. Impugning the aforesaid orders, learned Counsel for the petitioners submitted that present case is merely an offshoot of matrimonial discord between petitioner no. 1 and brother of respondent, Rajbir. He then submitted that based on compromise between the concerned parties, petitioner no. 1 resiled from her statement in the case arising out of aforementioned FIR no. 117 dated 05.02.2013 and thus respondent alongwith others was acquitted. He further submitted that having compromised the matter, subsequent filing of impugned Complaint dated 14.01.2015 by the respondent was misuse of process of law and an attempt to harass the petitioners. He also submitted that respondent concealed the factum of compromise while filing the aforesaid Complaint and thus the impugned orders were liable to be set aside. Lastly he submitted that Respondent did not file any reply to the present petition thereby admitting the factual aspects and, thus, the same be allowed.

[4]. Conversely, learned Counsel for the respondent submitted that petitioners used to harass the respondent and falsely implicated her in FIR no 117

dated 05.02.2013, wherein during trial petitioner no. 1 admitted that she had lodged a false case. He further submitted that learned JMIC rightly appreciated the facts of the case and summoned the petitioners to face trial under Sections 500 and 120-B of IPC and that the Revisional Court committed no illegality while upholding the same, warranting no interference.

[5]. Having heard learned Counsel for the parties and gone through the paper-book, I find substance in the submissions made on behalf of the petitioners.

[6]. A careful examination of the records pertaining to the present case show that a compromise was entered into between the parties in a matrimonial dispute relating respondent and brother of petitioner No.1, Rajbir, vide which their marriage was dissolved with mutual consent under Section 13-B of The Hindu Marriage Act. As an effect of the said compromise, petitioner No.1 did not support prosecution in case arising out of FIR No.117 (supra) so as to put at rest, the entire dispute, especially in the interest of both the parties and resultantly the respondent was acquitted vide judgment dated 11.12.2014. Subsequent to her acquittal, and also having derived benefit out of settlement, the respondent filed criminal Complaint No.12-I dated 14.01.2015 while concealing the factum of compromise between both the parties. The fact that respondent did not opt to file reply to the present petition; itself reflects that she accepted the contentions raised by the petitioners and was not in a position to deny or dispute the factum of compromise and the benefit derived under the same. It is more than evident that in the present facts, respondent lodged the complaint against petitioners in order to settle scores and harass them. After the matrimonial dispute having compromised between both the families there does not appear to be a *prima-facie* case against

the petitioners and re-agitation the same is apparently *mala fide* besides the same being an abuse of process of law and, thus, the same cannot be allowed.

[7]. A co-ordinate bench of this Court in case of **Kamlesh Kaur vs Lakhwinder Singh, 2009(4) R.C.R (Criminal) 663**, has even gone on to hold that after having been discharged in a case, the respondent therein cannot claim to have been defamed by the petitioner by lodging false case. Relevant excerpts are reproduced hereunder: -

*“8. Learned counsel for the petitioner has also placed reliance on the judgment of this Court in the case of **Jit Singh v. Baljit Kaur, 1999(3) RCR (Criminal) 406** to contend that the complaint, summoning order as well as the subsequent proceedings are nothing but misuse of the process of the Court. This Court in Jit Singh's case (supra) has been pleased to lay down as Under :-*

*"3. After considering **rival contentions** raised by the learned counsel for the parties, **I am of the considered opinion** that the complaint was nothing but an abuse of the process of law as Smt. Baljit Kaur wanted to wreck vengeance against Jit Singh on account of her unsuccessful result which has culminated on account of the decision by the Matrimonial Court who passed decree of divorce in favout of Jit Singh against his wife Baljit Kaur. A close reading of the findings on issue No. 1 only suggests that this issue remained unsubstantiated for want of proper evidence. There is no finding given by the Matrimonial Court to the effect that the allegations of adultery levelled by Jit Singh are false and frivolous to his knowledge and that those have been levelled in the petition under Section 13 of the Hindu Marriage Act in connivance with Gurjant Singh or other witnesses. Moreover, the Judgment passed by the Matrimonial Court has become final and it was never challenged by Baljit Kaur. Otherwise also as per Section 340 Criminal Procedure Code it was obligatory on the part of Baljit Kaur making prayer for prosecution of the petitioners under Section 340 Criminal Procedure Code for filing complaint for the offence under Section 193 Indian Penal Code. Since there is no finding on the part of the Civil Court that Jit Singh and others had committed any defamation against Smt. Baljit Kaur in connivance*

*with Gurjant Singh other petitioners. The complaint filed by Baljit Kaur was nothing but to wreck vengeance and it has been moved with mala fide intention. In view of the findings given by the Hon'ble Supreme Court in **State of Haryana v. Bhajan Singh, 1991(1) RCR (Criminal) 383 : AIR 1992 Supreme Court 604** it becomes necessary for this Court to invoke power under Section 482 Criminal Procedure Code as sufficient ground has been made to quash the complaint and the summoning order. Resultantly, both the petitions are hereby allowed and the complaint and the summoning order stand quashed and directions are given to the Trial Court to not prosecute the petitioners."*

12. Neither the petitioner has published nor defamed the complainant in public eye but the petitioner made a complaint to the Police. The complaint made would be protected under Eighth Exception to Section 499 Indian Penal Code.

Even otherwise, the petitioner was prosecuted under Section 182 Indian Penal Code and stood discharged, her trial on the sane allegations by way of present complaint would be nothing but misuse of the process of the Court and would be hit by principle of double jeopardy. The continuation of the present proceedings are, therefore, misuse of the process of the Court."

[8]. In view of the discussion made herein above, present petition is allowed and CIS No.COMI 25/2015 Criminal Complaint No.12-I dated 14.01.2015 under Sections 500 and 120-B of IPC, summoning order dated 07.11.2017 as well as order dated 02.11.2018 dismissing Revision against the same along with all consequential proceedings arising thereof are hereby quashed.

[9]. Pending miscellaneous application(s) if any, shall also stand disposed of.

April 09, 2024
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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No